

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,  
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This Document Relates To:

ZIFF DAVIS, INC. et al v. OPENAI, INC. et al.,  
No. 1:25-cv-04315

25-md-03143 (SHS) (OTW)

**NOTICE OF MOTION**

**ORAL ARGUMENT REQUESTED**

**PLEASE TAKE NOTICE** that upon the annexed Declaration of Andrew M. Gass, dated June 10, 2025, and the accompanying Memorandum of Law, the undersigned hereby moves this Court on behalf of OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, and OpenAI Holdings, LLC (collectively, the “OpenAI Defendants”), by and through counsel, before the Honorable Sidney H. Stein, United States District Judge for the United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 23A, New York, New York 10007-1312, for an order (1) dismissing Counts VI and VII of Plaintiffs Ziff Davis, Inc., Ziff Davis, LLC, IGN Entertainment, Inc., and Everyday Health Media, LLC’s Complaint (the “Ziff Davis Complaint”) pursuant to Fed. R. Civ. P. 12(b)(1) for lack of standing, and (2) dismissing Counts III, IV, V, and VIII of the Ziff Davis Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted.

Dated: June 10, 2025

/s/ Andrew M. Gass

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\* All parties whose electronic signatures are included herein have consented to the filing of this document, as contemplated by Rule 8.5(b) of the Court's ECF Rules and Instructions.

*/s/ R. James Slaughter*

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